



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,783	12/06/2000	Noah Shalom Shopsowitz	5938-155 SJP/RCL	7720

7590 11/30/2004

Stephen J. Perry  
SIM & McBURNEY  
6th Floor  
330 University Avenue  
Toronto, ON M5G 1R7  
CANADA

EXAMINER

DURAN, ARTHUR D

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/729,783	<b>Applicant(s)</b> SHOPSOWITZ, NOAH SHALOM	
	<b>Examiner</b> Arthur Duran	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 11 August 2004.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-7 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

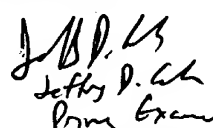
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
 Jeffrey D. Ahl  
 Primary Examiner

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-7 have been examined.

***Response to Amendment***

2. The Amendment filed on 8/11/04 is sufficient to overcome the Rider (6,257,982) reference.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles (5,933,811).

Claim 1, 2: Angles discloses a system, method comprising:

a multimedia terminal (Fig. 2) for providing multimedia and advertising content (Fig. 1; Fig. 2) that the user can redeem credit to receive the multimedia content (col 21, lines 5-30), that the content provider can be provided remuneration for providing content, that the advertiser can provide remuneration that offsets the remuneration given to the content provider (col 21, lines 15-25).

Angles further discloses that the user can access different content providers (col 20, lines 37-45).

Also, note that the user is credited in the users account, that the account can function as credit or digital cash, that the account can be utilized for paying for the service such that the user can access the multimedia content.

Angles further discloses content in a variety of forms, including branded content (col 12, lines 25-35).

Angles does not explicitly disclose a loyalty mechanism.

However, Angles discloses that the user has an account (col 3, lines 20-25; col 16, lines 15-25), that the user utilizes the system in the long term (col 3, line 65-col 4, line 5), that the user repeatedly utilizing the system is desirable (col 2, lines 30-42), that the user can be rewarded (col 21, lines 5-30). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Angles disclosure can be utilized for developing customer loyalty in utilizing the system. One would have been motivated to do this in order to provide a more regular exposure of the user to advertising.

Claim 3, 5: Angles further discloses that the multimedia terminal has input for receiving user credit (col 21, lines 5-30), receiving the content and a display and speakers (Fig. 1; Fig. 2; col 1, lines 15-20; col 1, lines 35-45; col 12, lines 25-35). Note that since the computer can present audio and video.

Claim 4: Angles discloses the system of claim 3.

Art Unit: 3622

Angles further discloses that the user has a unique member code (col 3, lines 20-25) that the user can operate secure accounts (col 6, lines 15-25) that the user can have secure accounts, secure Internet provider accounts, and secure digital cash accounts (col 21, lines 5-30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Angles user can utilize a PIN to access his secure, unique accounts. One would have been motivated to do this in order to provide the user a way to keep his accounts secure.

Claim 6, 7: Angles further discloses that the terminal can be located anywhere (Fig. 1; Fig. 2; col 9, lines 25-35) and that being provided access to content has value (col 21, lines 5-30) and that users are desirable (col 2, lines 30-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place Angle's content providing terminals in a location that increases the value to the customer. One would have been motivated to do this in order to provide a way of better attracting users.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art.

Art Unit: 3622

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Dedrick (5,724,521) discloses a variety of forms of interaction of payment between content provider, advertising provider, and a user (col 13, line 10-col 14, line 25).
- b. Heckel (6,036,601) teaches remuneration for content and remuneration for advertising (col. 5, lines 35-40, col. 6, lines 60-67).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Application/Control Number: 09/729,783

Page 6

Art Unit: 3622

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AD

11/15/04

*Jeffrey D. Carlson*  
Jeffrey D. Carlson  
Primary Examiner